

AUG 31 2009

Walker & Jocke
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Ralph E. Jocke
Patent
&
Trademark Law

August 31, 2009

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attn: Art Unit 2621
Patent Examiner Andy Rao

Re: Application No.: 10/796,506
Confirmation No.: 1933
Applicants: Enright, et al.
Title: Cash Dispensing Automated Banking Machine
With Improved Fraud Detection Capabilities
Docket No.: D-1243

Sir:

Please find enclosed "Comments on the Substance of a Conversation".

If necessary, please charge any fee due to Deposit Account 09-0428.

Very truly yours,



Ralph E. Jocke
Reg. No. 31,029

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.6(d)

FACSIMILE TRANSMISSION

I hereby certify that, on the date shown below, this correspondence is being transmitted by facsimile to the Patent and Trademark Office at (571) 273-8300.

Date: August 31, 2009



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D-1243

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
Enright, et al.)	
)	
Application No.: 10/796,506)	Art Unit 2621
)	
Confirmation No.: 1933)	
)	
Filing Date: March 9, 2004)	Patent Examiner
)	Andy Rao
)	
Title: Cash Dispensing Automated)	
Banking Machine With Improved)	
Fraud Detection Capabilities)	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Kindly enter Applicants' "Comments on the Substance of a Conversation" without prejudice as follows:

Comments on the Substance of a Conversation

A conversation was conducted on July 20, 2009 between Examiner Rao and a representative (Daniel Wasil, Reg. No. 45,303) of the Applicants. The representative initiated the conversation. As discussed in more detail hereafter, the conversation was not based on the merits, but rather on a paper sent in error. Thus, the conversation did not constitute an interview.

- 1 -

The representative requested withdraw of the nucleotide sequence disclosure letter dated July 15, 2009, which was on form PTO-90C. Examiner Rao agreed that the application did not relate to any nucleotide sequence, but rather to an automated banking machine. Thus, Examiner Rao agreed that the letter was sent in error. Examiner Rao further agreed to send to the representative an interview-type summary explaining that the letter was sent in error and that any requirement set forth therein was withdrawn.

The representative on August 7, 2009 sent to Examiner Rao an e-mail (copy attached) which summarized the conversation conducted on July 20, 2009. The e-mail also indicated that the agreed upon interview-type summary expected from Examiner Rao had not yet been received.

Additional Comments

Applicants note that the nucleotide sequence disclosure letter referred to an attached "Notice To Comply With Requirements For Patent Application Containing Nucleotide Sequences". However, the record shows that no such Notice was attached. Thus, the letter (and any requirements therein) was incomplete and defective.

Applicants also note that the letter inferred that nucleotide sequence information was needed from Applicants "before the application can be examined". Yet the record shows that the letter was sent after a Notice of Allowance (i.e., after completed examination). That is, the letter was not only in error because the application did not relate to nucleotide sequences (as previously discussed), but it was also in error because it was not timely with regard to examination.

For these reasons, Applicants respectfully submit that the record shows that the letter was sent in error and is moot with regard to patent grant. Apparently Examiner Rao agrees that no further action was needed, either by the Examiner or by Applicants. A grant of patent is evidence that the Office also agrees that the letter is not a pending issue.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
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Subject: SN 10/796,506 Request for statement that inadvertent Sequence Disclosure Notice was withdrawn

From: Walker & Jocke <iplaw@walkerandjocke.com>

Date: Fri, 07 Aug 2009 14:36:30 -0400

To: Andy.Rao@USPTO.gov

Dear Examiner Rao,

We spoke on 7/20/09 about the Sequence Disclosure Notice that was mistakenly enclosed in the Action dated 7/15/09. We agreed that the application did not relate to any nucleotide sequence, but rather to an automated banking machine. You stated that the Notice was sent by the Office in error. We agreed that you would fax to me an interview summary explaining that the Notice was sent in error and that it was withdrawn. Also, no summary of an interview on my part would be needed since the merits of the application were not discussed.

At this time I have not yet received the agreed upon interview summary. Nor does PAIR show a Notice withdrawal statement. The issue fee has been paid. Therefore, please fax the interview summary to me soon so there will be no delay in issuance of the patent.

Thank you for your time concerning this matter.

Daniel Wasil
Reg. No. 45,303

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